

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES DAVIS,

Petitioner,

v.

DAVID LARKINS, et al.,

Respondents.

Civil Action No. 97-3338

MEMORANDUM/ORDER

Before the court is Mr. Larkin's motion seeking an extension of time to file his appeal of an order closing this case. *See* Docket No. 23 (order of September 12, 2007); Docket No. 27 (motion filed November 16, 2007). That order closed this case because the adjudication of Mr. Larkin's second habeas petition was proceeding under a new case number, Civil Action No. 05-3865. Regardless of the merits of Mr. Larkin's reasons for failing to file timely his notice of appeal of the court's order closing Civil Action No. 97-3338, it remains the case that Mr. Larkin's second habeas petition is being adjudicated under Civil Action No. 05-3865, and that there is no reason why Civil Action No. 97-3338 should not be closed. Accordingly, the court will deny Mr. Larkin's motion.

AND NOW, this 18th day of December, 2007, Mr. Larkin's motion for an extension of time to file his notice of appeal, *see* Docket No. 27, is **DENIED**.

BY THE COURT:

/s/ Louis H. Pollak

Pollak, J.